ATTORNEY DOCKET NO. M. CHAMBERS 2-1   PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant: Michael J. Chambers, *et al.*

Serial No.:   10/665,607

Filed: September 19, 2003

Title: MOBILE TELEPHONE-BASED SYSTEM AND
                        METHOD FOR AUTOMATED INPUT

Grp./A.U.:   2618

Examiner: Andrew Wendell

Confirmation No.:   6387

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Mail Stop Appeal Brief-Patents

ATTENTION: Board of Patent Appeals and Interferences

Sirs:

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

This is an appeal from a Final Rejection dated May 11, 2010 (hereinafter "Office Action"), of

Claims 1-5, 7-15, and 17-22. The Appellant submits this Brief with the statutory fee of $540.00 as

set forth in 37 C.F.R. § 41.20(b)(2), and hereby authorizes the Commissioner to charge any

additional fees connected with this communication or credit any overpayment to Deposit Account

No. 08-2395.

This Brief contains these items under the following headings and in the order set forth below in accordance with 37 C.F.R. §41.37(c)(1):

      i)   REAL PARTY IN INTEREST

      ii)   RELATED APPEALS AND INTERFERENCES

      iii)   STATUS OF CLAIMS

      iv)   STATUS OF AMENDMENTS

      v)   SUMMARY OF CLAIMED SUBJECT MATTER

      vi)   GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

      vii)   APPELLANT'S ARGUMENTS

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i) REAL PARTY IN INTEREST

The real party in interest in this appeal is the Assignee, Agere Systems Inc.

ii) RELATED APPEALS AND INTERFERENCES

Appellant does not know of any prior or pending Appeals, Interferences, or Judicial Proceedings directly related to, affecting, affected by, or having a bearing on the Board's decision in this appeal.

iii) STATUS OF THE CLAIMS

Claims 1-5, 7-15, and 17-22 are rejected. Claims 6 and 16 are canceled.

Herein, all rejections of Claims 1-5, 7-15, and 17-22 are being appealed.

iv) STATUS OF THE AMENDMENTS

No amendments have been made to the Office Action and no amendments are pending.

v) SUMMARY OF CLAIMED SUBJECT MATTER

Independent Claim 1 features a system for automated contact data input. The system comprises a mobile telephone, a processing server, and a specific contact database in the mobile telephone associated with the processing server. The mobile telephone has a camera configured to generate an image of a printed document in a first format containing the contact data. Examples of contact data are name, phone number, title, company, e-mail address, *etc.* The processing server is configured to receive the created image in the first format via a wireless communication network. The processing server is also configured to process, with an image processing system, the created

image in a first format to recognize the contact data in the created image in the first format. The processing server is also configured to then extract the contact data from the created image in the first format and then arrange the extracted contact data according to a second format. The specific contact database in the mobile phone receives and stores the extracted contact data according to the second format. The second format is different from the first format and is consistent with the specific contact database in the mobile phone so that the extracted contact data can easily be added to the specific contact data base and a user can easily make a call on the mobile telephone using the added extracted contact data. (*See, e.g.,* paragraphs [0014]-[0018] and Fig. 1 of the original specification.)

An example of the embodiment described in pending independent Claim 1 would be a user of a cell phone uses a camera of the cell phone to take a picture of a business card of a new business associate. The user then sends over a wireless communication network a digital bitmap of the picture taken to a processing server. The processing server receives the digital bitmap and processes it to extract the name, title, phone number, e-mail address, *etc.* of the new business associate (*i.e.,* contact data) in the received picture of the business card. The processing server then arranges the extracted contact data into a second format that is consistent with a specific contact database in the cell phone, *e.g.,* an ACT!® contact database format. The processing server then sends the ACT!® data back to the cell phone which receives the ACT!® data and stores it in an ACT!® database in the cell phone. Once the new ACT!® data representing the contact information from the business card of the new business associate in stored in the ACT!® database on the user's cell phone, the user can then easily make a telephone call to the new business associate using the ACT!® database.

Independent Claim 11 is directed to a method of automated contact data input. The method begins by generating an image with a camera of a mobile telephone of a printed document in a first

format that contains the contact data. The method continues with receiving the image of the contact

data in a first format at a processing server via a wireless network. Next, the image is processed with

an image processing system to recognize the contact data. The contact data is extracted from the

image and arranged according to a second format consistent with a specific contact database in the

mobile telephone and different from the first format. The processing server sends the contact data in

the second format to the mobile telephone via the communication network. The contact data in the

second format is stored in the specific contact database of the mobile telephone so that the extracted

contact data can easily be added to the specific contact database and a user can easily make a call on

the mobile telephone using the stored extracted contact data. (*See, e.g.*, paragraphs [0014]-[0018]

and Fig. 2 of the original specification.)

vi) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

(A) Whether Claim 1 is obvious over a combination of U.S. Patent Application

Publication No. 2003/0087650 by Aarnio (hereinafter "Aarnio") in view of U.S. Patent No.

7,266,186 to Henderson (hereinafter "Henderson") and further in view of U.S. Patent No. 6,594,503

to Herzig, *et al.* (hereinafter "Herzig") as applied by the Office Action at item 2, pages 2-4.

(B) Whether Claims 4-5 and 8 are obvious over the combination of Aarnio in view of

Henderson and Herzig as applied by the Office Action at item 2, page 4.

(C) Whether Claim 11 is obvious over a combination of Aarnio in view of Henderson and

Herzig as applied by the Office Action at item 2, page 4.

(D) Whether Claims 14-15, 18, and 21-22 are obvious over the combination of Aarnio in

view of Henderson and Herzig as applied by the Office Action at item 2, pages 4-5.

(E)   Whether Claims 2, 7, 9, 12, 17, and 19 are obvious over a combination of Aarnio in

view of Henderson and Herzig and further in view of U.S. Patent No. 6,956,833 to Yukie, *et al.*

(hereinafter "Yukie") as applied by the Office Action at item 3, pages 5-6.

(F)   Whether Claims 3 and 13 are obvious over a combination of Aarnio in view of

Henderson and Herzig and further in view of U.S. Patent Application Publication No. 2003/0211856

by Zilliacus (hereinafter "Zilliacus") as applied by the Office Action at item 4, pages 6-7.

(G)   Whether Claims 10 and 20 are obvious over a combination of Aarnio in view of

Henderson and Herzig and further in view of U.S. Patent Application Publication No. 2003/0181200

by Iida (hereinafter "Iida") as applied by the Office Action at item 5, pages 7-8.

vii) APPELLANT'S ARGUMENT

(A)   In Grounds of Rejection (A), the obviousness rejection of Claim 1 is improper because it relies on Aarnio to teach features that are not taught in the cited portions of Aarnio.

CITED PORTIONS OF AARNIO DO NOT TEACH GENERATING AN IMAGE OF A PRINTED
DOCUMENT CONTAINING CONTACT DATA

Pending independent Claim 1 recites:

A system for automated contact data input, comprising:
a mobile telephone having a camera configured to generate an image of a
printed document containing said <u>contact data</u> in a first format;
...
(<u>Emphasis added</u>.)

At Item 2 at the middle of page 2 of the Office Action, the Examiner states:

...location information is one form of contact data [sections 0006 and 0016] or even
retail information is another form of contact data [section 0023]...

The Appellants respectfully disagree that the cited location information or retail information of

Aarnio is a form of contact data.

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The terms contact database and contact data are clear, specific terms in the art. One of ordinary skill in the art at the time of the invention would understand that contact data is data that pertains to a contact, or person, such as telephone number, address, e-mail address, or other information typically found on a business card. (*See, e.g.,* paragraphs [0003] and [0014] of the original specification. Also, *see* Item 2b at the middle of page 2 of the Affidavit of one of the inventors, Michael Kiessling, submitted on October 19, 2006.) The cited portions of Aarnio clearly are not concerned with contact data. Instead, the cited portions of Aarnio are concerned with identifying a location from an image captured by a camera on a cell phone, such as a digital image of "a building, an intersection with a street sign, a landmark, etc." and providing information about an image captured by the camera on a cell phone. (*See, e.g.,* paragraphs [0006]-[0008] and [0016]-[0018] of Aarnio, cited by the Examiner.) This information is NOT contact data as understood by one of ordinary skill in the art at the time of the invention as established above. As such, Aarnio does not teach or suggest generating an image in a first format that contains contact data as recited in pending independent Claim 1.

CITED PORTIONS OF AARNIO DO NOT TEACH STORING CONTACT DATA IN A
SPECIFIC CONTACT DATABASE OF A MOBILE TELEPHONE

Pending independent Claim 1 recites:

A system for automated contact data input, comprising:
...
a specific contact database in said mobile telephone, associated with said processing server, that receives and stores said extracted contact data according to a second format... (Emphasis added.)

At Item 2 at the top of page 3 of the Office Action, the Examiner states:

...the contact is stored in the phone in order to for (*sic*) the user to view/hear the information, Sections 0006-0008 0016-0018, and 0023...

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The cited portions of Aarnio teach that a Location Area Identity (LAI) of a cell/base station is used by a location server to obtain location information such as street maps, locations of buildings, landmarks, *etc*. The location information is transmitted back to a mobile station and can be in the form of a text message or diagram, or an audible message. Foreign language translations are possibly transmitted to the mobile station as well as retail information about retail establishments in the LAI. Thus, Aarnio teaches sending location information or retail information back to a cell phone. However, the cited portions of Aarnio do not teach or suggest that the location information or retail information is stored in specific contact database of a mobile phone as recited in independent Claim 1 since the location or retail information, as established above, is NOT contact data. Furthermore, the cited portions of Aarnio fail to teach or suggest that the location or retail information is stored in any specific database on the mobile telephone.

APPLIED COMBINATION OF AARNIO AND HERZIG IS IMPROPER

The Examiner recognizes that Aarnio fails to teach a user can easily make a call on the mobile telephone using extracted contact information and cites portions of Henderson cure these deficiencies of Aarnio. Furthermore, the Examiner recognizes that Aarnio and Henderson fail to teach a printed document. That is, Aarnio and Henderson do not teach scanning a printed document. To cure these deficiencies, the Examiner cites portions of Herzig. At the top of page 10 of the Office Action, the Examiner states that is reasonable to combine Herzig and Aarnio by simple substitution. The Appellants are unclear if the Examiner means to say it is reasonable to substitute the OCR reader of Herzig for the camera of Aarnio or that it is reasonable to add the OCR reader of Herzig to Aarnio. However, one of ordinary skill in the art at the time of the invention would not be motivated to do either.

Replacing the camera of Aarnio with that of Herzig would, as established on page 3 of the response of February 12, 2010, render Aarnio unsatisfactory for its intended purpose since the OCR/'contact camera' of Herzig can only focus on an image less than 300 millimeters from the camera and Aarnio requires a camera, as noted above, to take a picture at a distance much greater than 300 millimeters to enable identification of a location. Moreover, one of ordinary skill in the art at the time of the invention would not be motivated to add the OCR reader of Herzig to Aarnio since: (1) Aarnio is not concerned with reading printed documents (as the Examiner recognizes, *see* above); and (2) adding an OCR reader would add unnecessary cost and complexity to the mobile telephone of Aarnio, particularly given the cost sensitivities of cell phones.

CONCLUSION

For at least the reasons given above, the cited portions of the cited combination of Aarnio, Henderson, and Herzig, as applied by the Examiner do not provide a *prima facie* case of obviousness for pending independent Claim 1 and the rejection is, therefore, improper.

(B)   In Grounds of Rejection (B), the obviousness rejections of Claims 4-5 and 8 over the applied combination of Aarnio, Henderson, and Herzig are improper.

As established above, pending independent Claim 1 is non-obvious over the cited portions of the cited combination of Aarnio, Henderson, and Herzig, as applied by the Examiner. Claims 4-5 and 8 are non-obvious over the cited combination, as applied by the Office Action, at least, by their dependence on pending independent Claim 1. In addition, each of dependent Claims 4-5 and 8 is non-obvious in its own right by combination of the elements therein with the elements of independent Claim 1.

(C) **In Grounds of Rejection (C), the obviousness rejection of Claim 11 over the cited portions of the applied combination of Aarnio, Henderson, and Herzig is improper.**

As established in Section (A) above, the cited portions of the applied combination of Aarnio, Henderson, and Herzig do not provide a *prima facie* case of obviousness for pending independent Claim 1. For at least the same reasons, the cited portions of the cited combination of Aarnio, Henderson, and Herzig, as applied by the Examiner, do not provide a *prima facie* case of obviousness for pending independent Claim 11. Therefore, the rejection of pending independent Claim 11 is improper.

(D) **In Grounds of Rejection (D), the obviousness rejections of Claims 14-15, 18, and 21-22 over the applied combination of Aarnio, Henderson, and Herzig are improper.**

As established above, pending independent Claim 11 is non-obvious over the cited portions of the cited combination of Aarnio, Henderson, and Herzig, as applied by the Examiner. Claims 14-15, 18, and 21-22 are non-obvious over the cited combination, as applied by the Office Action, at least, by their dependence on pending independent Claim 11. In addition, each of dependent Claims 14-15, 18, and 21-22 is non-obvious in its own right by combination of the elements therein with the elements of independent Claim 11.

(E) **In Grounds of Rejection (E), the obviousness rejections of Claims 2, 7, 9, 12, 17, and 19 over Aarnio, Henderson, Herzig, and Yukie are improper.**

<u>CLAIMS 2, 7, and 9</u>

Claims 2, 7, and 9 are non-obvious over the applied combination of Aarnio, Henderson, Herzig, and Yukie, at least, by their dependence on pending independent Claim 1. In addition, each

of dependent Claims 2, 7, and 9 is non-obvious in its own right by combination of the elements therein with the elements of independent Claim 1.

CLAIMS 12, 17, and 19

Claims 12, 17, and 19 are non-obvious over the applied combination of Aarnio, Henderson, Herzig, and Yukie, at least, by their dependence on pending independent Claim 11. In addition, each of dependent Claims 12, 17, and 19 is non-obvious in its own right by combination of the elements therein with the elements of independent Claim 11.

(F) In Grounds of Rejection (F), the obviousness rejections of Claims 3 and 13 over Aarnio, Henderson, Herzig, and Zilliacus are improper.

CLAIM 3

Claim 3 is non-obvious over the applied combination of Aarnio, Henderson, Herzig, and Zilliacus, at least, by its dependence on pending independent Claim 1. In addition, dependent Claim 3 is non-obvious in its own right by combination of the elements therein with the elements of independent Claim 1.

CLAIM 13

Claim 13 is non-obvious over the applied combination of Aarnio, Henderson, Herzig, and Zilliacus, at least, by its dependence on pending independent Claim 11. In addition, dependent Claim 13 is non-obvious in its own right by combination of the elements therein with the elements of independent Claim 11.

(G) In Grounds of Rejection (G), the obviousness rejections of Claims 10 and 20 over Aarnio, Henderson, Herzig, and Iida are improper.

<u>CLAIM 10</u>

Claim 10 is non-obvious over the applied combination of Aarnio, Henderson, Herzig, and Iida, at least, by its dependence on pending independent Claim 1. In addition, dependent Claim 10 is non-obvious in its own right by combination of the elements therein with the elements of independent Claim 1.

<u>CLAIM 20</u>

Claim 20 is non-obvious over the applied combination of Aarnio, Henderson, Herzig, and Iida, at least, by its dependence on pending independent Claim 11. In addition, dependent Claim 20 is non-obvious in its own right by combination of the elements therein with the elements of independent Claim 11.

CONCLUSION

For the reasons set forth above, allowance of all the claims presently in the application is

respectfully requested, as is passage to issuance of the present application.

Respectfully submitted,

HITT GAINES, P.C.

Steven J. Hanke
Registration No. 58,076

Dated: October 29, 2010

Hitt Gaines, PC
P. O. Box 832570
Richardson, Texas 75083-2570
(972) 480-8800
(972) 480-8865 (Fax)
steve.hanke@hittgaines.com

viii) APPENDIX A – CLAIMS

1.   (Previously Presented) A system for automated contact data input, comprising:

a mobile telephone having a camera configured to generate an image of a printed document containing said contact data in a first format;

a processing server configured to receive said image via a wireless communication network, process said image to recognize said contact data with an image processing system, extract said contact data from said image and arrange said data according to a second format; and

a specific contact database in said mobile telephone, associated with said processing server, that receives and stores said extracted contact data according to said second format, wherein said second format is different from said first format and is consistent with said specific contact database so that said extracted contact data can easily be added to said specific contact database and a user can easily make a call on said mobile telephone using said added extracted contact data.

2.   (Original) The system as recited in Claim 1 wherein said image comprises a video sequence.

3.   (Original) The system as recited in Claim 1 wherein said mobile telephone transmits said image to said processing server by employing a selected one of:

an MMS,

E-mail, and

a special application.

4.   (Previously Presented) The system as recited in Claim 1 wherein said image processing system employs optical character recognition to extract said contact data from said image.

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5.   (Original) The system as recited in Claim 1 wherein said processing server employs a spelling correction system.

6.   (Canceled)

7.   (Previously Presented) The system as recited in Claim 1 wherein said processing server forwards said contact data extracted from said image to a destination in accordance with received instructions.

8.   (Original) The system as recited in Claim 1 wherein said wireless communication network conforms to a selected one of:

GPRS, and

UMTS.

9.   (Original) The system as recited in Claim 1 wherein said mobile telephone has a memory configured to store multiple images and transmits said multiple images to said processing server in a batch.

10.   (Original) The system as recited in Claim 1 further comprising a charge system, coupled to said processing server, configured to charge a user for processing of said image.

11.   (Previously Presented) A method of automated contact data input, comprising:

generating an image of a printed document in a first format that contains said contact data with a mobile telephone having a camera;

receiving said image at a processing server via a wireless communication network;

processing said image to recognize said contact data with an image processing system;

extracting said contact data from said image;

arranging said data according to a second format consistent with a specific contact database in said mobile telephone and different from said first format;

sending said contact data in said second format from said processing server to said mobile telephone via said communication network; and

storing said contact data in said second format in said specific contact database of said mobile telephone so that said extracted contact data can easily be added to said specific contact database and a user can easily make a call on said mobile telephone using said stored extracted contact data.

12.   (Original) The method as recited in Claim 11 wherein said image comprises a video sequence.

13.   (Original) The method as recited in Claim 11 further comprising transmitting said image from said mobile telephone by employing a selected one of:

an MMS,

E-mail, and

a special application.

14.   (Previously Presented) The method as recited in Claim 11 wherein said image processing system employs optical character recognition to extract said contact data from said image.

15.   (Previously Presented) The method as recited in Claim 11 further comprising checking a spelling of said contact data extracted from said image.

16.   (Canceled)

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17. (Previously Presented) The method as recited in Claim 11 further comprising forwarding said contact data extracted from said image to a destination in accordance with received instructions.

18. (Original) The method as recited in Claim 11 wherein said wireless communication network conforms to a selected one of:

GPRS, and

UMTS.

19. (Original) The method as recited in Claim 11 wherein said mobile telephone has a memory and said method further comprises storing multiple images and transmitting said multiple images to said processing server in a batch.

20. (Original) The method as recited in Claim 11 further comprising charging a user for said extracting and said arranging.

21. (Previously Presented) The system as recited in Claim 1 wherein said contact data is a portion of said image.

22. (Previously Presented) The method as recited in Claim 11 further comprising automatically storing said contact data in said second format in said specific contact database of said mobile telephone.

ix) APPENDIX B – EVIDENCE

The evidence in this appendix includes U.S. Patents to Henderson, Herzig and Yukie and U.S. Patent Application Publications by Aarnio, Iida, and Zilliacus. Aarnio, Iida, and Zilliacus were entered in the record by the Examiner with the July 13, 2006 Office Action. Yukie was entered in the record by the Examiner with the January 16, 2007 Office Action. Henderson was entered in the record by the Examiner with the November 26, 2008 Office Action. Herzig was entered in the record by the Examiner with the November 12, 2009 Office Action.

x) RELATED PROCEEDINGS APPENDIX

NONE